



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3392

Introduced 2/26/2007, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1
30 ILCS 805/8.31 new

from Ch. 108 1/2, par. 6-151.1

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that if a firefighter who is unable to perform his or her duties because of an occupational disease or disability dies within the initial one-year period during which he or she continues to receive salary rather than an occupational disease disability benefit, the firefighter's surviving spouse may elect to receive the same benefits (including health care benefits) as she or he would have qualified for if the deceased firefighter had been receiving an occupational disease disability benefit at the time of death. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 09110 AMC 29303 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 6-151.1 as follows:

6 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

7 Sec. 6-151.1. Occupational disease disability benefit. The
8 General Assembly finds and declares that service in the Fire
9 Department requires that firemen, in times of stress and
10 danger, must perform unusual tasks; that by reason of their
11 occupation, firemen are subject to exposure to great heat and
12 to extreme cold in certain seasons while in performance of
13 their duties; that by reason of their employment firemen are
14 required to work in the midst of and are subject to heavy smoke
15 fumes and carcinogenic, poisonous, toxic or chemical gases from
16 fires; and that in the course of their rescue and paramedic
17 duties firemen are exposed to disabling infectious diseases,
18 including AIDS, hepatitis C, and stroke. The General Assembly
19 further finds and declares that all the aforementioned
20 conditions exist and arise out of or in the course of such
21 employment.

22 Any active fireman who has completed 7 or more years of
23 service and is unable to perform his duties in the Fire

1 Department by reason of heart disease, tuberculosis, any
2 disease of the lungs or respiratory tract, AIDS, hepatitis C,
3 or stroke resulting from his service as a fireman, shall be
4 entitled to receive an occupational disease disability benefit
5 during any period of such disability for which he does not have
6 a right to receive salary.

7 Any active fireman who has completed 7 or more years of
8 service and is unable to perform his duties in the fire
9 department by reason of a disabling cancer, which develops or
10 manifests itself during a period while the fireman is in the
11 service of the department, shall be entitled to receive an
12 occupational disease disability benefit during any period of
13 such disability for which he does not have a right to receive
14 salary. In order to receive this occupational disease
15 disability benefit, the type of cancer involved must be a type
16 which may be caused by exposure to heat, radiation or a known
17 carcinogen as defined by the International Agency for Research
18 on Cancer.

19 Any fireman who shall enter the service after the effective
20 date of this amendatory Act shall be examined by one or more
21 practicing physicians appointed by the Board, and if that
22 examination discloses impairment of the heart, lungs, or
23 respiratory tract, or the existence of AIDS, hepatitis C,
24 stroke, or cancer, then the fireman shall not be entitled to
25 receive an occupational disease disability benefit unless and
26 until a subsequent examination reveals no such impairment,

1 AIDS, hepatitis C, stroke, or cancer.

2 The occupational disease disability benefit shall be 65% of
3 the fireman's salary at the time of his removal from the
4 Department payroll. However, beginning January 1, 1994, no
5 occupational disease disability benefit that has been payable
6 under this Section for at least 10 years shall be less than 50%
7 of the current salary attached from time to time to the rank
8 and grade held by the fireman at the time of his removal from
9 the Department payroll, regardless of whether that removal
10 occurred before the effective date of this amendatory Act of
11 1993.

12 Such fireman also shall have a right to receive child's
13 disability benefit of \$30 per month on account of each
14 unmarried child who is less than 18 years of age or
15 handicapped, dependent upon the fireman for support, and either
16 the issue of the fireman or legally adopted by him. The total
17 amount of child's disability benefit payable to the fireman,
18 when added to his occupational disease disability benefit,
19 shall not exceed 75% of the amount of salary which he was
20 receiving at the time of the grant of occupational disease
21 disability benefit.

22 The first payment of occupational disease disability
23 benefit or child's disability benefit shall be made not later
24 than one month after the benefit is granted. Each subsequent
25 payment shall be made not later than one month after the date
26 of the latest payment.

1 Occupational disease disability benefit shall be payable
2 during the period of the disability until the fireman reaches
3 the age of compulsory retirement. Child's disability benefit
4 shall be paid to such a fireman during the period of disability
5 until such child or children attain age 18 or marry, whichever
6 event occurs first; except that attainment of age 18 by a child
7 who is so physically or mentally handicapped as to be dependent
8 upon the fireman for support, shall not render the child
9 ineligible for child's disability benefit. The fireman
10 thereafter shall receive such annuity or annuities as are
11 provided for him in accordance with other provisions of this
12 Article.

13 If a fireman who is unable to perform his or her duties
14 because of an occupational disease or disability dies within
15 the initial one-year period during which he or she continues to
16 receive salary rather than an occupational disease disability
17 benefit, the fireman's surviving spouse may elect to receive
18 the same benefits (including health care benefits) as he or she
19 would have qualified for if the deceased fireman had been
20 receiving an occupational disease disability benefit at the
21 time of death.

22 (Source: P.A. 93-654, eff. 1-16-04.)

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.31 as follows:

1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.